



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

FOLEY AND LARDNER LLP
SUITE 500
3000 K STREET NW
WASHINGTON, DC 20007

MAILED

JUL 07 2011

PCT LEGAL ADMINISTRATION

In re Application of	:	
TESAR et al	:	
Application No.: 10/588,568	:	DECISION ON PETITION
Filing Date: February 7, 2005	:	UNDER 37 CFR 1.78(a)(6)
Attorney Docket No.: 166470600	:	

This is a decision on the petition under 37 CFR 1.78(a)(6), filed May 18, 2011, to accept an unintentionally delayed claim under 35 U.S.C. 119(e) for the benefit of priority to the prior-filed provisional application set forth in the application data sheet (ADS) filed concurrently with the instant petition.

The petition is **DISMISSED**.

A petition for acceptance of a late claim for priority under 37 CFR 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(5)(ii). In addition, the petition under 37 CFR 1.78(a)(6) must be accompanied by:

- (1) the reference required by 35 U.S.C. 120 and 37 CFR 1.78(a)(5)(i) of the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in 37 CFR 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

The petition does not satisfy item (1) above. Although the ADS contains a proper reference to the prior applications, the ADS is not signed as required by 37 CFR 1.33 and 10.18. Submission of an ADS with a signed cover letter is not sufficient. Applicant may wish to refer to the most recent version of Form PTO/SB/14 (http://www.uspto.gov/forms/sb0014_fill.pdf) which contains an appropriate signature block.

Before the petition under 37 CFR 1.78(a)(6) can be granted, a renewed petition and either an ADS or a proper amendment (complying with the provisions of 37 CFR 1.121) to correct the above matters are required.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



Bryan Lin
Legal Examiner
Office of PCT Legal Administration
(571) 272-3303